

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES EDWARD THOMAS,) No. C 12-1019 LHK (PR)
Petitioner,)
ORDER DENYING MOTIONS FOR
APPOINTMENT OF COUNSEL
v.)
WARDEN SUSAN HUBBARD,)
Respondent.) (Docket Nos. 26 & 27)

Petitioner, a state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court ordered respondent to show cause why the petition should not be granted. Petitioner has filed a third and fourth motion for appointment of counsel. (Docket Nos. 26, 27.) As the court has previously stated, appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). At this time, appointment of counsel is not mandated, and the interests of justice do not require appointment of counsel. Accordingly, petitioner's motions are **DENIED**. This denial is without prejudice to the court's *sua sponte* reconsideration should the developments of this case dictate otherwise.

IT IS SO ORDERED.

DATED: 8/19/13

Lucy H. Koh
LUCY H. KOH
United States District Judge